



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

Mailed: APR 9 2004

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Paper Number: #12

In re application of
Carol J. Lova

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Serial No. 09/637,621

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Filed: August 11, 2000

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For: NOVEL FORMULATION OF PHOSPHORUS FERTILIZER
FOR PLANTS :

DECISION ON
PETITION

This is a response to the PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT, filed September 22, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of August 27, 2002 for failure to timely pay the issue fee as indicated in Notice of Allowability and Notice of Allowance and Issue Fee Due mailed April 12, 2002, be withdrawn. The petitioner asserts that the Notice of Allowability and Notice of Allowance and Issue Fee Due mailed April 12, 2002 were not received by applicant.

DECISION

The instant request is accepted as a petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by the petitioner. The applicant changed the power of attorney to Townsend and Townsend and Crew through a Revocation and Substitution of Power of Attorney and Change of Correspondence Address dated March 12, 2001. The evidence provided with the instant petition includes a copy of the Revocation and Substitution of Power of Attorney and Change of Correspondence Address with an executed Certificate of



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Mailing dated March 12, 2001. A review of the instant application file indicates that the applicant filed a Revocation and Substitution Of Power Of Attorney and Change of Correspondence Address on March 12, 2001 (Paper No.4), and the USPTO records have not been updated to include the current address of the attorney.

Therefore, the Notice of Abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Notice of Allowability and Notice of Allowance and Issue Fee Due to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

Jmstone

Jacqueline Stone, Director
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